

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

Plaintiff

v.

C.A. No 14-175

STATE OF RHODE ISLAND

Defendant

**QUARTERLY REPORT OF THE COURT MONITOR ON THE STATUS OF
COURT ORDERED PLACEMENTS**

APRIL 1, 2018 THROUGH JUNE 30, 2018

SEPTEMBER 6, 2018

Background

This report reviews the State's progress on achieving supported employment placement and performance outcomes required by the Consent Decree and Interim Settlement Agreement across all Target Populations for the calendar quarter, April 1, 2018 through June 30, 2018. The assessment is based on the State's quarterly Consent Decree data report (see Attachment).¹ Progress is measured against placement benchmarks to be achieved by January 1, 2019.

Target Population Census

The total unduplicated number of individuals in the Consent Decree's four Target Populations was 4,165 on June 30, 2018, slightly higher than the total reported for the previous quarter. Adjusting this total census to reflect the numbers of target population members who have died, voluntarily left services or are not eligible for developmental disabilities services yields an *active census* of 3,498 individuals. Subtracting from the active census target population members who: (a) were employed when the Consent Decree was signed in 2012, (b) are members of the Youth Transition Target Population², (c) have received a variance, and (d) are at least 62 years of age

¹ Consent Decree Data Reports Data for Quarter Ending June 30, 2018.

² The Consent Decree does not include placement targets for members of the Youth Transition Target Population.

and have chosen to retire results in a *target population for employment* totaling 2,414 individuals across the three target remaining populations (see below). Under the Consent Decree these individuals must be provided with the opportunity to receive a supported employment placement. The number of individuals to be placed by target population (updated) is as follows:³

- a. Sheltered Workshop Target Population - 623
- b. Day Target Population - 1,361
- c. Youth Exit Target Population - 430

The active census of individuals in each of the Consent Decree Target Populations varies slightly from quarter to quarter depending on the numbers of individual who leave state services during the period and the State's continuing efforts to identify and track target population members.

Supported Employment Placements

The Consent Decree and the ISA require the State to meet numerical benchmarks regarding the number of target population members who must receive a supported employment placement during the pendency of the two agreements. A placement is counted only once for each individual. Placements achieved by target population members who subsequently leave, suspend or terminate their employment are considered to be inactive but continue to be credited toward the State's overall placement requirements. The total number of target population members who received a supported employment placement in an integrated competitive employment setting including individuals previously classified as closed placements increased from 744 on March 31, 2018 to 786 on June 30, 2018, a gain of 42 individuals for the quarter (see Table 1).

The Consent Decree sets annual benchmarks for the placement of members of the Sheltered Workshop and Day Program Target Populations that increase on January 1st of each year. All members of the Youth Exit Target Population were required to have received a supported employment

Table 1 Quarterly Placement Summary September 2016 - June 2018		
Quarterly Report	Number Placed	Total Placements
Sept 2016		268
Dec 2016	95	363
Mar 2017	119	482
June 2017	62	544
Sept 2017	29	573
Dec 2017	44	617
Mar 2018	127	744
June 2018	42	786

³ See Attachment, Report 1 Current Consent Decree Population, Target for Employment.

placement by July 1, 2016. The State was not able to fully identify all of the members of this population until late 2016. Continued outreach efforts are being made by the State to locate, contact and track all members of the Youth Exit Target Population.

Table 2 identifies for each Consent Decree population the annual target number of individuals required to receive a supported employment placement, the aggregated year-over-year total, and the number of placements made by January 1st of each year. The number of individuals in the “Placed to Date” column is revised quarterly.

Table 2 Consent Decree Placement Benchmarks and State Performance Through June 30, 2018								
Year	Sheltered Workshop Target Population			Day Target Population			Youth Exit Target Population	
Jan 1 of:	Annual Target	Aggregate Target	Placed to Date	Annual Target	Aggregate Target	Placed to Date	Target	Placed to Date
2016	50	50	57	25	25	118	413	29
2017	50	100	87	25	50	167	413	109
2018	50	150	205	50	100	346	426	235
2019	50	200		50	150		426	
2020	100	300		75	225		426	
2021	100	400		100	325		426	
2022	100	500		200	525		426	
2023	100	600		200	725		426	
2024	100	700		225	950		426	

Youth Exit Target Population. The number of individuals in the Youth Exit Target Population has increased each quarter during the past two years as a result of the State’s continuing efforts to contact all members of this group and determine their interest in receiving supported employment services and placements. DDD identified a total of 426 Youth Exit Target Population members for the quarter ending June 30, 2018, an increase of 1 individual over the 425 persons reported during the previous quarter. The number of active Youth Exit Population members reported to have received a supported employment placement as of June 30, 2018 was 235, approximately 55% of the placement benchmark for this population (see Table 3). DDD and ORS are implementing their previously submitted and approved plan to provide supported employment placements for all remaining Youth Exit Population Members who choose

competitive employment (430). The plan calls for the placement of 50% of the Target Population by April 30, 2018, and 100% by September 30, 2018. All remaining individuals (195) are to receive a supported employment placement by September 30, 2018.

Sheltered Workshop Target Population. Placements were recorded for four (4) Sheltered Workshop Target Population members during the quarter ending June 30, 2018, bringing

Table 3				
Supported Employment Placements for Quarter Ending June 30, 2018				
Target Population	Placement This Qtr.	Total Placements	Benchmark	% Benchmark
Youth Exit	2	235	430	55%
Sheltered Workshop	4	205	200	103%
Day Target	36	346	150	231%

the total number of active placements achieved to date to 205 for this target population, slightly exceeding the benchmark of 200 persons who needed to receive supported employment placements by January 1, 2019 (Table 3).

Day Target Population. The total number of individuals in the Day Target Population who received a supported employment placement by June 30, 2018 was 346, a gain of 36 individuals over the previous quarter. This number of placements represents more than double the Consent Decree requirement of 150 individuals from this target population by January 1, 2019.

Average Weekly Hours and Earnings (see Attachment Report 4). The Consent Decree requires members of the three target populations who receive a supported employment placement in an integrated setting to work an average of 20 hours per week. The average number of hours worked per week by members of the three target populations during the quarter ending June 30, 2018 was approximately 11.26 hours, a decline of a little over one hour per week as compared to the previous quarter. On June 30, 2018, 94 members of the Youth Exit Population were reported to have worked on average 14.2 hours per week; 185 members of the Sheltered Workshop Target Population averaged 11.8 hours per week; and 298 members of the Day Target Population averaged 10 hours per week. The average hourly wage earned individuals across all target populations was \$10.86, a slight increase from the prior quarter. The percentages of target population members working more than 20 hours per week decreased slightly for the Day and Sheltered Workshop Target Populations but improved for the Youth Exit Target Population.

Career Development Planning

Data reported by the State on the numbers of individuals with career development plans includes individuals whose plans are in process and expected to be completed in the near future (see Attachment Report 3a) as well as individuals who were employed in 2012. As shown in Table 4, career development plans are in place for all members of the Youth Exit, Sheltered Workshop and Day Target Populations and for virtually all, 99.5%, of the Youth Transition Target Population.

Table 4 Career Development Planning for the Quarter Ending June 30, 2018			
Target Population	Individuals w/ CDP	Benchmark	% Benchmark
Youth Transition	834	838	99.5%
Youth Exit	426	426	100%
Sheltered Workshop	693	693	100%
Day Target	1,541	1,541	100%

Benefits Planning

The percentage of individuals with benefits plans increased in the Sheltered Workshop Target Population increased from 88% to 98%. The percentage of individuals with benefits plans in the Youth Exit and Day Target Populations, however, remained roughly the same at 74% and 75% respectively. Although the numbers of individuals with benefits plans who are

Table 5 Status of Benefits Planning for the Quarter Ending June 30, 2018			
Target Population	Individuals w/ BPs	Benchmark	% Benchmark
Youth Transition	NA	NA	
Youth Exit	170	231	74%
Sheltered Workshop	184	203	91%
Day Target	252	334	75%
Total	606	768	79%
Total Employed w/ B Plans	387	768	50%

employed in competitive jobs increased by 18 persons, the overall percentage of working individuals with plans decreased to approximately 50% (see Table 5).

Summary

The numbers of individuals who received a supported employment placement during the first and second calendar quarters of the year exceed the Consent Decree benchmarks that must be met by January 1, 2019 for the Sheltered Workshop and Day Target Populations. The total number of placements among members of the Youth Exit Target Population, however, are meeting only 55% of the January 1, 2019 requirement. As noted above, the State recognizes this

discrepancy and currently is working on a plan to place all remaining Youth Exit Target Population members by September 30, 2018.

The average number of hours worked per week has remained virtually unchanged during the past four quarters at 10 to 14 hours per week depending on the population (see above). On March 24, 2017 DDD submitted to the Monitor a *Plan for Increasing the Number of Hours Worked by Consent Decree Target Population Members*. The plan was well designed, initially focusing on the Youth Exit Population, identifying system needs and barriers, laying out the steps to ensure data quality and collection, and strengthening collaboration with DD providers. A list of implementation strategies to be used to accomplish the intended outcomes was also included. Although the plan was well constructed the intended objective does not appear to have been reached. A comparison of the weekly hours worked for the quarter ending June 30, 2018 with the weekly hours worked for the quarter ending March 31, 2017 reveals no progress on achieving this goal during the past 15 months.

DDD, in consultation with ORS, the Sherlock Center Conversion Institute, provider agencies and others as determined by the Division, must review and revise the current plan to identify additional actions that need to be taken to increase the weekly hours worked among competitively employed members of the Youth Exit, Sheltered Workshop and Day Target Populations. The State is currently gathering information on the status and preferences of Consent Decree Target Population members who are employed in integrated settings. State officials report that they intend to use this information in their analysis and revision of the current plan for increasing hours worked.

A copy of the revised plan and implementation strategy is to be submitted to the Monitor as an appendix to the State's Quarterly Report for the period ending December 31, 2018. The Consent Decree Coordinator is requested to regularly inform the Monitor on the progress of the plan's revision and to submit a brief progress update as a part of the State's Quarterly Report for the period ending September 30, 2018.

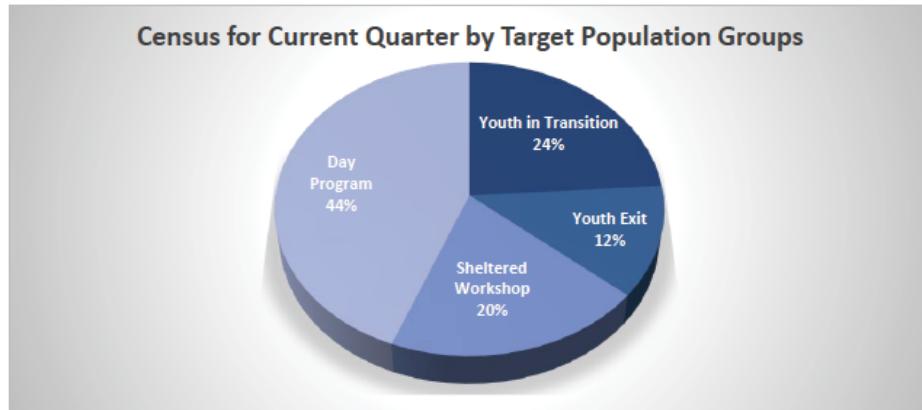
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles Moseley".

Charles Moseley EdD
Court Monitor
September 6, 2018

ATTACHMENT

Consent Decree Reports
Data for Quarter Ending June 30, 2018*
Report 1: Current Consent Decree Population
Report Date: 7/31/2018



REPORT 1 - Current Census	Youth in Transition	Youth Exit	Sheltered Workshop	Day Program	Unduplicated Total
Total Individuals	838	565	844	1,918	4,165
- <i>Individuals deceased since January 2013</i>	0	2	71	240	313
- <i>Voluntarily left services</i>	0	56	50	87	193
- <i>Not Attending/Limited Services</i>	0	18	30	50	98
- <i>Haven't Applied</i>	0	63	0	0	63
- <i>Not Eligible or Rescinded Application</i>	0	0	0	0	0
Active Census for Current Quarter	838	426	693	1,541	3,498
Population as a % of Census	24.0%	12.2%	19.8%	44.1%	100.0%
- <i>Individuals employed in 2012</i>	0	0	59	157	216
- <i>Individuals in transition</i>	838	0	0	0	838
- <i>Variance Requests</i>	0	0	1	2	3
- <i>Individuals age 62+ who want to be retired</i>	0	0	12	33	45
+ <i>Inactive individuals with placements</i>	0	4	2	12	18
Target Population for Employment ¹ <i>(Census Less Those Employed in 2012 and Transition)</i>	0	430	623	1,361	2,414

Census - Quarter to Quarter Changes

Target Population Group	Q 6/30/17	Q 9/30/17	Q 12/31/17	Q 3/31/18	Q 6/30/18
Youth in Transition	707	656	644	646	838
Youth Exit	497	442	413	425	426
Sheltered Workshop	718	688	705	700	693
Day Program	1,699	1,632	1,562	1,553	1,541
Unduplicated Total	3,621	3,418	3,324	3,324	3,498

Notes:

¹The Target Population for Employment is tracked for reporting of newly obtained employment. Individuals employed in 2012 are excluded from the Consent Decree targets for new employment. All other reports are based on the Census for Current Quarter.

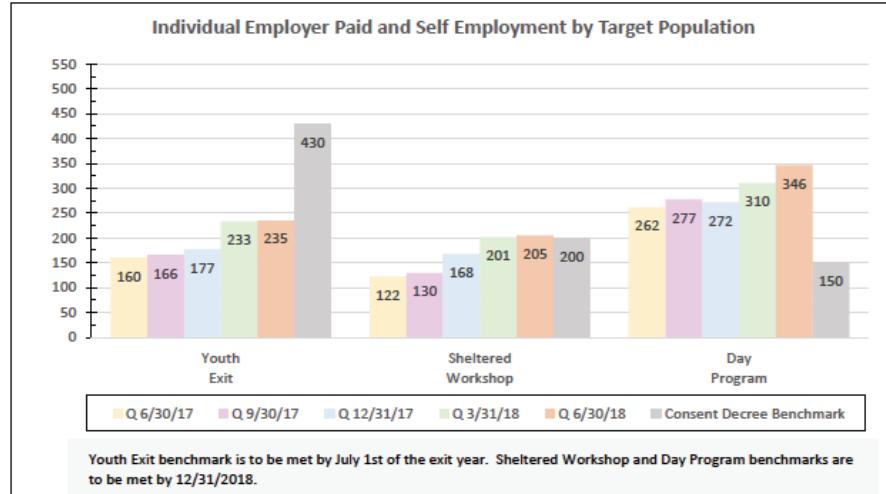
***Data Sources for Quarterly Report**

1. Sherlock Center survey completed March 2018
2. ORS cases through 6/30/18
3. DDD caseload information as of 6/30/18
4. RIDE annual census, June 2018

Consent Decree Data Reports
Data for Quarter Ending June 30, 2018*
Report 2: Consent Decree Target Population Employment

Report Date: 7/31/2018

REVISED



EMPLOYMENT BY TARGET POPULATION	Youth Exit	Sheltered Workshop	Day Program	Unduplicated Total
Target Population for Employment	430	623	1,361	2,414
% of Total Target Population	18%	26%	56%	100%
Benchmark for Employment	430	200	150	776
Total Individuals in INDIVIDUAL EMPLOYER PAID Employment				
Q 6/30/18	235	205	346	786
Total Competitive and Self Employment Percentages				
% of Benchmark	54.7%	102.5%	230.7%	101.3%
% of Target Population Group	54.7%	32.9%	25.4%	32.6%
% of Those Employed	29.9%	26.1%	44.0%	100.0%
Quarter to Quarter Performance				
Q6/30/18	235	205	346	786
Q 3/31/18	233	201	310	744
Q 12/31/17	177	168	272	617
Q 9/30/17	166	130	277	573
Q 6/30/17	160	122	262	544
Q 3/31/17	135	113	234	482
Q 12/31/16	109	87	167	363
Q 9/30/16	36	75	157	268
Q 6/30/17	29	57	118	204

Note: Includes Self-Employment.

Day Population decreases in Q12/31/17 are due to correcting miscategorization of some TTP individuals to

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed March 2018
2. ORS cases through 6/30/18
3. DDD caseload information as of 6/30/18
4. RIDE annual census, June 2018
5. State Wage information (SWICA) from the RI Department of Labor & Training, 6/29/18
6. Integrated Community Employment Reporting Form submissions through 6/30/18

Consent Decree Data Reports
Data for Quarter Ending June 30, 2018*
Report 3a: Career Development Plans

Report Date: 7/31/2018



Career Development Plan (CDP) Exists

	Q 9/30/17	Q 12/31/17	Q 3/31/18	Q 6/30/18	BENCHMARK	% of Benchmark
Youth in Transition	534	573	578	834	838	100%
Youth Exit	397	424	425	426	426	100%
Sheltered Workshop	701	704	700	693	693	100%
Day Program	1,561	1,559	1,553	1,541	1,541	100%
Unduplicated Total	3,254	3,255	3,256	3,494	3,498	100%

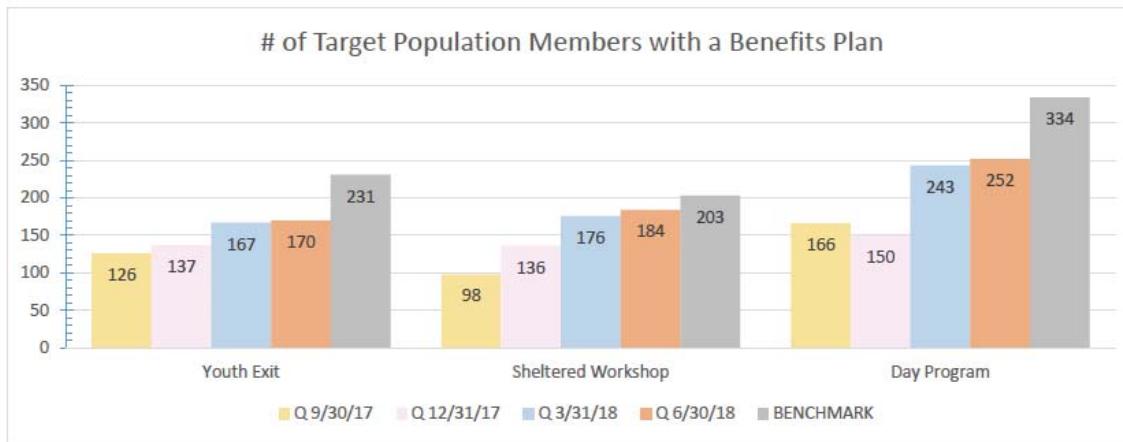
Note: the 4 youth in transition without CDPs just turned 14 during the quarter and plans will be done in the next quarter.

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed March 2018
2. ORS cases through 6/30/18
3. DDD caseload information as of 6/30/18
4. RIDE annual census, June 2018
5. State Wage information (SWICA) from the RI Department of Labor & Training, 6/29/18
6. Integrated Community Employment Reporting Form submissions through 6/30/18

Consent Decree Data Reports
Data for Quarter Ending June 30, 2018*
Report 3b: Benefits Plans

Report Date: 7/31/2018



Benefits Plan (BP) Exists

	Q 9/30/17	Q 12/31/17	Q 3/31/18	Q 6/30/18	BENCHMARK	% of Benchmark
Youth in Transition	--	--	--	--	--	--
Youth Exit	126	137	167	170	231	74%
Sheltered Workshop	98	136	176	184	203	91%
Day Program	166	150	243	252	334	75%
Unduplicated Total	390	423	586	606	768	79%
With Placements	NA	255	369	387	768	50%
Declined	NA	NA	13	175	768	23%

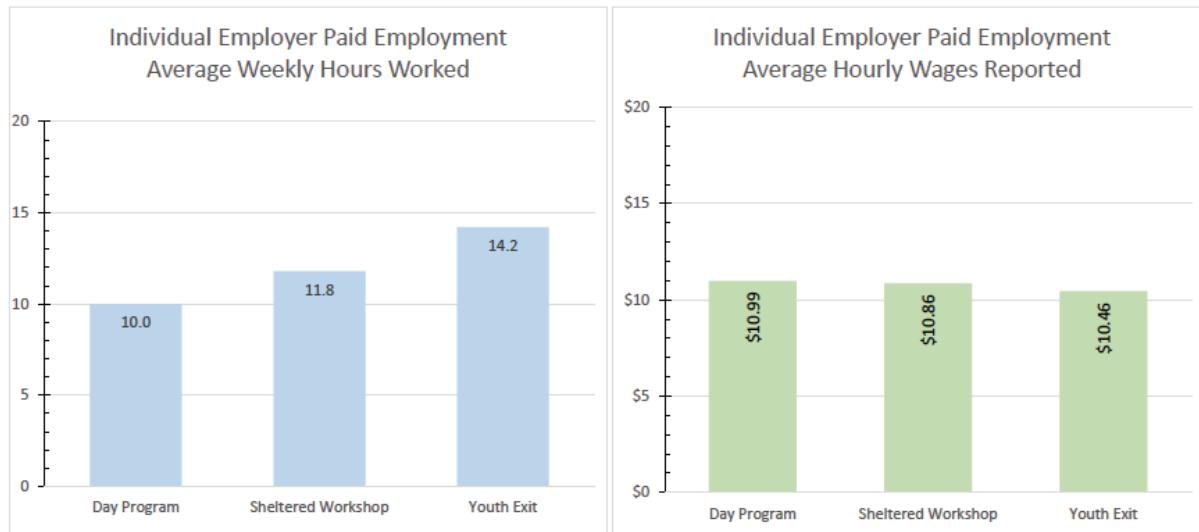
Note: Benefits Plans can be done for those not yet employed, in segregated employment, or in a competitive integrated job placement. The Unduplicated Total includes all those with a benefits plan. The With Placements total includes only those with a competitive integrated job placement.

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed March 2018
2. ORS cases through 6/30/18
3. DDD caseload information as of 6/30/18
4. RIDE annual census, January 2018
5. State Wage information (SWICA) from the RI Department of Labor & Training, June 29, 2018
6. Integrated Community Employment Reporting Form submissions through 6/30/18

Consent Decree Data Reports
Data for Quarter Ending June 30, 2018*
Report 4: Average Weekly Hours and Hourly Wages

Report Date: 7/31/2018



Individual Employer Paid Employment						
Target Population Unduplicated Counts	Measure	Total Population	Weekly Hours Worked	Hourly Wage	Worked 20+ Hours	% With 20+ Hours
Day Program	# Reporting	298			31	10.4%
	Average		10.0	\$10.99		
Sheltered Workshop	# Reporting	185			39	21.1%
	Average		11.8	\$10.86		
Youth Exit	# Reporting	94			36	38.3%
	Average		14.2	\$10.46		

Notes:

- 1 # Reporting equals the count of individuals reporting hours or wages above minimum wage.

***Data Sources for Quarterly Report**

1. Sherlock Center survey completed March 2018
2. ORS cases through 6/30/18